

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 936 OF 2021**

Babasaheb Manohar Sapate ... Appellant

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Ritesh Thobde alongwith Mr. Kamran Shaikh for the Appellant.
Ms. M.M. Deshmukh, APP for the State.

.....

CORAM : N.R. BORKAR, J.
DATED : 19 SEPTEMBER 2022

P.C. :-

. This Appeal is filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("SC/ST Act") against an order passed by the Special Judge, Solapur dated 8 November 2021 in Criminal Bail Application No.1752 of 2021.

2. By the order impugned, the trial court rejected the anticipatory bail application filed by the present Appellant, who is accused in C.R. No.701 of 2021 registered at Faujdari Chawadi Police Station, for the offences punishable under Sections 323, 504 and 506 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(s), 3(2) and 5 of the SC/ST Act.

3. On 22 November 2021, this Court passed the following order :

“1. Mr. Thobde, learned Counsel for the applicant submits that, appellant has been falsely implicated in the case by the complainant on account of differences between him and father of the appellant. Admittedly, the appellant was working as a Manager with the Lodge owned by appellant’s father. The alleged incident had taken place within the four walls of the Lodge at midnight of 13th October, 2021. It is alleged that the applicant hurled casteist remarks and abused the complainant. Although, the alleged incident had occurred in the presence of customers and other employees of the Lodge, the learned Judge has not referred to the statements of these witnesses.

2. Be that as it may, the Prosecutor seeks time to verify the statements of witnesses and submit on the next date. The prosecution shall serve the complainant (respondent no.2) through the concerned Police Station and inform him that Appeal shall be heard on 4th December, 2021. Stand over to 4th December, 2021 for further consideration.

3. In consideration of the facts of the case, in my view, a case is made out for granting ad-interim relief. Thus, in the event of arrest of the appellant in C.R. No. 701/2021 registered with Faujdari Chawadi Police Station, the appellant shall be released on bail in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two more sureties in the like sum.

4. The appellant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith.

5. The appellant shall not tamper with the evidence or

attempt to influence or contact the complainant, witnesses or any person concerned with the case.”

4. The learned APP has tendered report dated 18 September 2022 submitted to the Office of Public Prosecutor by the Assistant Commissioner of Police, Division-I, Solapur City. The report shows that during the course of investigation no evidence in relation to offences under the SC/ST Act was found. According to the report during the course of investigation the Appellant has been found to have committed the offence punishable under Section 504 of the Indian Penal Code, which is non-cognizable offence. It appears that, the Investigating Officer has accordingly filed the final report before the Special Court, Solapur on 13 April 2021.

5. The learned Counsel for the Appellant submits that the said report is yet to be accepted by the concerned Court.

6. Considering the facts and circumstances, liberty is granted to the Appellant to take appropriate steps, if final report submitted by the Investigating Officer is not accepted by the concerned Court. To enable the Appellant to take appropriate steps the interim order passed by this Court dated 22 November 2021 shall remain in operation for the period of three weeks from the date of passing of the order by the concerned Court of not accepting the final report.

7. The present Appeal is disposed of, in above terms.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2022.09.19
18:42:39 +0530